

BOARD OF ZONING APPEALS
CITY OF MILWAUKEE

REGULAR MEETING – April 22, 2004
City Hall, Common Council Committee Room 301-B

MINUTES

PRESENT:

Chairman: Craig H. Zetley *(voting on items 1-85)*

Members: Henry P. Szymanski *(voting on items 1-56, 57-85)*
Scott R. Winkler *(voting on items 1-85)*
Catherine M. Doyle *excused*
Roy B. Nabors *(voting on items 1-58, 60-85)*

Alt. Board Members: Georgia M. Cameron *(voting on items 1-78)*
Donald Jackson *(voting on items 56a, 59, 79-85)*

START TIME: 2:15p.m.

End Time: 4:45p.m.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
1	25584 Special Use	Border Patrol WI Rich Lepping;Property Owner Request to occupy the premises as a fast-food/carry-out restaurant with a drive through facility.	2210 W. Wisconsin Av. 4th Dist.
	Action:	Dismissed	
	Motion:	Scott Winkler moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
2	25704 Special Use	H & K Partners, LLC Peter Helf;Property Owner Request to continue occupying the premises as a fast-food/carryout restaurant with a drive through facility.	1903 W. Capitol Dr. 6th Dist.
	Action:	Dismissed	
	Motion:	Scott Winkler moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
3	25063 Special Use	First Payday Loan of Wisconsin, LLC d/b/a First Payday Loans; Lessee Request to occupy a portion of the premises as a payday loan agency.	2410 N. Martin Luther King Dr. A/K/A 2400-30 N. Martin Luther King Jr Dr. 6th Dist.
	Action:	Dismissed	
	Motion:	Scott Winkler moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
4	25096 Special Use	AT&T Wireless PCS, LLC Jim Hommer; Lessee Request to erect a temporary cellular transmission tower on the premises without the required landscaping and co-location.	5407 W. McKinley Av. 10th Dist.
	Action:	Dismissed	
	Motion:	Scott Winkler moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
5	25121 Special Use	Verizon Wireless, c/o Mary Herrick; Request to occupy the premises as a temporary wireless telecom facility.	5701 W. McKinley Av. 10th Dist.
	Action:	Dismissed	
	Motion:	Scott Winkler moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
6	25560 Special Use	Jackie Gibson, Prospective Buyer Request to occupy the premises as a community living arrangement for 6 elderly and advance age residents. Action: Granted 1 yrs. Motion: Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained. Conditions of Approval: 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Special Use is granted for a period of one (1) year, commencing with the date hereof.	2821 N. 40th St. 15th Dist.
7	25634 Special Use	Mr. Peter Helf KFC;Property Owner Request to continue occupying the premises as a fast food/ carryout restaurant with increased hours of operation (Sun. 10:30 a.m. - 10:00 p.m., Monday - Saturday 10:30 a.m. - midnight).	1355 N. 35th St. A/K/A 1353 N. 35th St. 15th Dist.
		Action: Adjourned Motion: This matter was adjourned at the request of DNS and will be rescheduled at the next available hearing.	
8	25663 Dimensional Variance	Housing Authority of the City of Milwaukee, Property Owner Request to construct a single-family dwelling with an excessive front setback.	1541 N. 13th St. 15th Dist.
		Action: Adjourned Motion: This matter was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
9	25610 Special Use	Mohammad Choudry, Lessee Request to occupy the premises as a fast-food/carry-out restaurant with a drive through facility, Monday -Sunday 10:00 a.m. - Midnight.	2604 W. Capitol Dr. 1st Dist.
	Action:	Granted 5 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel.</p> <p>5. That this use not operate between the hours of Midnight and 5:00 A.M. unless a 24-hour establishment license is obtained from the Common Council of the City of Milwaukee per s. 84-7 of the Milwaukee code of ordinances.</p> <p>6. That there be no increase in signage.</p> <p>7. That a landscape plan is submitted to and approved by the Zoning Administration Group prior to the issuance of any permits. The plan should include additional plant material along the North 26th Street frontage. The additional plant materials should be installed within 60 days of the approval of the landscape plan.</p> <p>8. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
10	25647 Special Use	Rashinder Lal, Lessee Request to continue occupying the premises as a motor vehicle filling station, convenience store, and car wash.	2620 W. Capitol Dr. 1st Dist.
	Action:	Granted 5 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel.</p> <p>5. That this use not operate between the hours of Midnight and 5:00 A.M. unless a 24-hour establishment license is obtained from the Common Council of the City of Milwaukee per s. 84-7 of the Milwaukee code of ordinances.</p> <p>6. That there be no increase in existing signage</p> <p>7. That individually sold cigars, cigarette wrapping paper, Black and Mild cigars, Blunt cigars, glass tubes (i.e. type associated with individually sold flowers) and any other item deemed to be drug paraphernalia not be sold on the premises.</p> <p>8. That a revised landscape and screening plan is submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits. The revised plan must include a decorative metal fence along the West Capitol Drive frontage.</p> <p>9. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
11	25653 Special Use	Shirley R. Howard, Property Owner Request to continue occupying the premises as a day care center with the addition of an Adult day care center on site.	4919 W. Good Hope Rd. 1st Dist.
	Action:	Adjourned	
	Motion:	This matter has been adjourned at the request of the Ald. and will be rescheduled at the next available hearing.	
12	25692 Special Use	Life & Liberty Church, Prospective Buyer Request to continue occupying the premises as a religious assembly hall.	2009 W. Hampton Av. 1st Dist.
	Action:	Granted 5 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
13	25598 Dimensional Variance	South Community Organization, Inc. Property Owner Request to construct a single-family dwelling without the minimum front facade width (slight revision to previous approval).	5615 N. 38th St. A/K/A 5615-17 N. 38th St. 1st Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
14	25602 Special Use	Roshelle & Frederick Rutledge Most Precious Possession Child Care II;Prospective Buyer Request to occupy the premises as a day care center for 200 children (100 per shift) infant to 12 yrs of age, Monday- Friday 6:00 a.m. - Midnight.	9700-06 W. Appleton Av. A/K/A 9700-06 & 20 W. Appleton Ave. 2nd Dist.
	Action:	Granted 5 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That landscaping and screening plans which meet the requirements of s.295-405 of the Milwaukee Zoning Code must be submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits.</p> <p>5. That signage must conform to the sign standards of s. 295-605 of the Milwaukee Zoning Code.</p> <p>6. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M.</p> <p>7. That the outdoor play area is separated from the parking area / vehicle operating area by some type of physical barrier such as bollards.</p> <p>8. That the applicant obtains a certificate of occupancy and complies with all State commercial code requirements for institutional and educational occupancies.</p> <p>9. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
15	25666 Use Variance	William Jenkins, d/b/a Golf Center on Mill Road;Property Owner Request to construct a 610 foot addition to the existing structure on a golf driving range (intensifying the Board approved use on site).	7047 W. Mill Rd. 2nd Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Variance is granted for a period of time commencing with the date hereof and expiring on June 2, 2008.	
16	25679 Special Use	Aldi Inc., Property Owner Request to continue occupying the premises as a general retail store with parking located between the street facade of the principal building and the street lot line.	6700 W. Capitol Dr. 2nd Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Special Use permit and this Variance are granted to run with the land.	

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17	25648 Special Use	Paul Johnson, d/b/a Citizen Scooters, Inc.;Prospective Buyer Request to occupy the premises for light motor vehicle sales and service. Action: Dismissed Motion: Scott Winkler moved to dismiss the appeal. Seconded by Henry Szymanski. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.	1609 E. North Av. 3rd Dist.
18	25683 Special Use	Meta House, Ruth Kallio-Mielke;Property Owner Request to continue occupy the premises as a community based residential facility for 16 women and 7 children. Action: Adjourned Motion: This matter was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	2618 N. Bremen St. 3rd Dist.
19	25625 Special Use	Marshall & Wells LLC, Lessee Request to continue to occupy the premises as a parking lot. Action: Adjourned Motion: This matter was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	818-20 E. Wells St. A/K/A 807-09 N. Marshall 4th Dist.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
20	25453 Special Use	ASLC Grantosa LLC, Property Owner Request to continue occupying the premises as a community base residential facility for 20 elderly persons.	4265 N. 104th St. 5th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.</p>	

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21	25700 Special Use	H & K Partners, LLC, Peter Helf;Property Owner Request to continue occupying the premises as a fast-food/carryout restaurant with a drive through facility.	5444 N. Lovers Lane Rd. A/K/A 5454 N. Lovers Lane Rd. 5th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel.</p> <p>5. That landscaping and screening is maintained in a manner that meets the intent of city code.</p> <p>6. That this use not operate between the hours of Midnight and 5:00 A.M. unless a 24-hour establishment license is obtained from the Common Council of the City of Milwaukee per s. 84-7 of the Milwaukee code of ordinances.</p> <p>7. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p>	

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22	25624 Special Use	<p>Lisa Ashley, Property Owner</p> <p>Request to continue occupying the premises as a day care center for with an increase in children from 45 to 50, infant to 12 yrs. of age, Monday-Friday 6:00 a.m. - 6:00 p.m.</p>	9111 W. Lisbon Av. 5th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.</p>	

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23	25606 Special Use	Samuel Isom, Lessee Request to continue occupying the premises as a second-hand store (stripping & furnishing furniture).	1737 W. Atkinson Av. A/K/A 1727-37 W. Atkinson Ave. 6th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That all previous conditions of the Board regarding this property are complied with.</p> <p>5. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p>	
24	25621 Special Use	Mary Marie Harrell, Property Owner Request to occupy the premises as a community living arrangement for 8 elderly adults.	524 W. Clarke St. 6th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
25	25628 Special Use	Westside Healthcare Association, Inc. Wayne Moyer, CEO; Lessee Request to occupy a portion of the premises as a medical office.	1525 N. 7th St. A/K/A 1525 N. 7th St. Unit 421 6th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
26	25703 Special Use	H&K Partners, LLC, Peter Helf;Property Owner Request to continue occupying the premises as a fast-food/carryout restaurant with a drive through facility.	2470 N. Martin Luther King Dr. A/K/A 2460-78 N. Martin Luther King Jr. Dr. 6th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel. 5. That this use not operate between the hours of Midnight and 5:00 A.M. unless a 24-hour establishment license is obtained from the Common Council of the City of Milwaukee per s. 84-7 of the Milwaukee code of ordinances. 6. That landscaping and screening is maintained in accordance with city code. 7. That the petitioner clean and maintain the grease extraction filters on a regular basis. 8. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
27	25677 Special Use	Charles Green-Pastor Christian Faith Fellowship Church East;Property Owner Request to continue occupying the premises as a religious assembly hall with the addition of a day care center for 22 children, infant to 12 yrs of age, Monday-Friday 6:00 a.m. - 7:00 p.m.	2001 N. Holton St. 6th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the applicant obtains a certificate of occupancy and complies with all State commercial code requirements for institutional and educational occupancies.</p> <p>5. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.</p>	

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28	25550 Special Use	Andre & James Carter, Lessee Request to add a elementary school (14 children k4 and k5) to the existing day care facility.	3936 W. Fond Du Lac Av. 7th Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the applicant obtains a certificate of occupancy and complies with all State commercial code requirements for educational occupancies.</p> <p>5. That this Special Use is granted for a period of time commencing with the date hereof and expiring on February 18, 2007.</p>	
29	25582 Special Use	Sariena M. Davis & Bobby Jones Property Owner Request to occupy the premises as a community living arrangement for 8 elderly and disabled clients.	3237 N. 29th St. 7th Dist.
	Action:	Granted 1 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That this Special Use is granted for a period of one (1) year, commencing with the date hereof.</p>	

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30	25607 Special Use	Bell Therapy, Inc., Property Owner Request to include the lower level of premises as part of the existing adult day care center on site.	4065 N. 35th St. 7th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the applicant obtains a certificate of occupancy and complies with all State commercial code requirements for adult care facilities.</p> <p>5. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.</p>	
31	25612 Special Use	Lynell Daniels & Tiffany Cross Property Owner Request to occupy the premises as group home for 4 teenage mothers and their children (total of eight persons on site).	3282 N. 46th St. 7th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
32	25620 Special Use	Lanell White, Whites Residential AODA Fac.;Property Owner Request to increase the number of clients from 8 to 10 of the existing community based residential facility for adult females.	4020 W. Burleigh St. A/K/A 4020-22 W. Burleigh St. 7th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
33	25698 Special Use	H&K Partners, LLC, Peter Helf;Property Owner Request to continue occupying the premises as a fast-food/carry-out restaurant with a drive through facility.	4400 N. 60th St. 7th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel. 5. That this use not operate between the hours of Midnight and 5:00 A.M. unless a 24-hour establishment license is obtained from the Common Council of the City of Milwaukee per s. 84-7 of the Milwaukee code of ordinances. 6. That landscaping and screening is maintained in a manner that meets the intent of city code. 7. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
34	25654 Special Use	Gloria Diggs, Property Owner Request to continue occupying the premises as a community based residential living facility (CBRF).	3927 W. Roosevelt Dr. 7th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	
35	25696 Special Use	Temple of the Holy Spirit, Property Owner Request to occupy the premises as a religious assembly hall (provides food & cloth pantry).	4444 W. Capitol Dr. 7th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That the applicant conducts all activities inside the building. 6. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
36	25586 Special Use	Maxine Franklin, Lessee Request to occupy the premises as a 24 hr. day care center for 20 children infant - 12 yrs of age, Monday-Sunday.	1329 S. 35th St. A/K/A 1327-29 S. 35th St. 8th Dist.
	Action:	Granted 2 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the storefront windows remain as clear glass and are maintained in an attractive manner. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That the unused curb cut on West Greenfield Avenue is closed and restored with curb and gutter. 7. That the applicant obtains a certificate of occupancy and complies with all State commercial code requirements for institutional and educational occupancies. 8. That this Special Use is granted for a period of two (2) years, commencing with the date hereof. 	
37	25596 Special Use	Bevelyn Johnson D&F Investments;Property Owner Request to occupy a portion of the premises as a group home for 8 adolescent females in addition to the existing transitional living facility on site.	8726 W. Mill Rd. 9th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the Alderman and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
38	25682 Special Use	Balvir Singh, Lessee Request to continue occupying the premises as a motor vehicle filling station and convenience store.	6330 W. Silver Spring Dr. 9th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the petitioner and will be rescheduled at the next available agenda.	
39	25687 Special Use	James O. Bradley, Lessee Request to continue occupying the premises as a fast-food/carry-out restaurant with a drive through facility.	8404 W. Brown Deer Rd. A/K/A 8400 w Brown Deer Rd 9th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel. 5. That there be no increase in signage. 6. That the petitioner maintain landscaping and screening in a manner that meets the intent of city code 7. That this use not operate between the hours of Midnight and 5:00 A.M. unless a 24-hour establishment license is obtained from the Common Council of the City of Milwaukee per s. 84-7 of the Milwaukee code of ordinances. 8. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
40	25705 Special Use	H & K Partners, LLC, Peter Helf;Property Owner Request to continue occupying the premises as a fast-food/carryout restaurant with a drive through facility.	7343 W. Appleton Av. A/K/A 7347 W. Appleton Av. 10th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel. 5. That there be no increase in signage. 6. That the petitioner maintain landscaping and screening in a manner that meets the intent of city code 7. That this use not operate between the hours of Midnight and 5:00 A.M. unless a 24-hour establishment license is obtained from the Common Council of the City of Milwaukee per s. 84-7 of the Milwaukee code of ordinances. 8. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
41	25676 Special Use	Creative Stepping Stone, Property Owner Request to continue occupying the premises as community based residential facility for 33 older adults.	6526 W. Blue Mound Rd. 10th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	
42	25529 Dimensional Variance	John S. Lanham, Property Owner Request to construct a wheel chair ramp in the front setback of the existing medical office.	5720 W. Oklahoma Av. 11th Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
43	25673 Dimensional Variance	Max & Rose Korze, Property Owner Request to construct an addition to the existing residential dwelling.	4401 W. Tripoli Av. 11th Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	
44	25706 Special Use	H & K Partners, LLC, Peter J. Helf;Property Owner Request to continue occupying the premises as a fast-food/carryout restaurant with a drive through facility.	3236 S. 27th St. A/K/A 3240 S. 27th St. 11th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
45	25701 Special Use	H & K Partners, LLC, Peter Helf;Property Owner Request to continue occupying the premises as a fast-food/carry-out restaurant with a drive through facility.	1570 W. Mitchell St. A/K/A 1576 W. Mitchell St. 12th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel. 5. That this use not operate between the hours of Midnight and 5:00 A.M. unless a 24-hour establishment license is obtained from the Common Council of the City of Milwaukee per s. 84-7 of the Milwaukee code of ordinances. 6. That there be no increase in signage 7. That the petitioner maintain landscaping and screening in a manner that meets the intent of city code. 8. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
46	25618 Special Use	Heartland Food Corp., Lessee Request to continue occupying the premises as a fast-food/carry-out restaurant with drive through facility.	1841 S. 14th St. 12th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel.</p> <p>5. That this use not operate between the hours of Midnight and 5:00 A.M. unless a 24-hour establishment license is obtained from the Common Council of the City of Milwaukee per s. 84-7 of the Milwaukee code of ordinances.</p> <p>6. That there be no increase in signage</p> <p>7. That the petitioner maintain landscaping and screening in a manner that meets the intent of city code.</p> <p>8. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
47	25655 Use Variance	Paul Kneever, Lessee Request to occupy the premises as an artist studio live/work space.	830 S. Barclay St. A/K/A 840 S. Barclay St. 12th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the applicant obtains a certificate of occupancy and complies with all State commercial code requirements for residential occupancies.</p> <p>5. That this Variance is granted for a period of five (5) years, commencing with the date hereof.</p>	
48	25651 Special Use	Naseer Nasir d/b/a Milwaukee Imports, Inc.; Lessee Request to occupy the premises for retail and wholesale general merchandise, sales and service of motorcycles/motor scooters with some outdoor storage.	4960 S. 27th St. 13th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of staff and will be rescheduled at the next available agenda.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
49	25697 Special Use	H&K Partners, LLC, Peter Helf;Property Owner Request to continue occupying the premises as a fast-food/carryout restaurant with a drive through facility.	110 W. Layton Av. A/K/A 108-10 W. Layton Ave. 13th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel. 5. That this use not operate between the hours of Midnight and 5:00 A.M. unless a 24-hour establishment license is obtained from the Common Council of the City of Milwaukee per s. 84-7 of the Milwaukee code of ordinances. 6. That there be no increase in signage 7. That the petitioner maintain landscaping and screening in a manner that meets the intent of city code. 8. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
50	25640 Special Use	Sajan Makbul, Airport Amoco, Inc.;Property Owner	4709 S. Howell Av. 13th Dist.
		Request to add a fast-food/ carry-out restaurant to the existing filling station and convenience store,.	
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel.</p> <p>5. That this use not operate between the hours of Midnight and 5:00 A.M. unless a 24-hour establishment license is obtained from the Common Council of the City of Milwaukee per s. 84-7 of the Milwaukee code of ordinances.</p> <p>6. That there be no increase in signage</p> <p>7. That the petitioner maintain landscaping and screening in a manner that meets the intent of city code.</p> <p>8. That this Special Use is granted for a period of time commencing with the date hereof and expiring on June 22, 2008.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
51	25681 Special Use	Brad Schlossmann, Lessee Request to construct an addition to the existing body shop, motor vehicle sales and repair facility.	4640 S. 27th St. A/K/A 4640-70 S 27th St. 13th Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Special Use is granted for a period of time commencing with the date hereof and expiring on March 29, 2010.	
52	25678 Special Use	Amrit P. Kaur & CJ Singh, Property Owner Request to construct an addition to the existing car wash, convenience store, and motor vehicle filling station.	3725 S. Howell Av. 13th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	
53	25646 Special Use	Bridgeman Foods II, Inc./ JB Properties Property Owner Request to continue occupying the premises as a fast-food/carry-out restaurant with a drive through facility.	3050 S. Chase Av. A/K/A 3042-72 S. Chase Ave. 14th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
54	25667 Special Use	Sage Schwarm/Becky Heck d/b/a Luv Unlimited; Lessee Request to occupy the premises as a second-hand store with new & used merchandise.	2649 S. Kinnickinnic Av. 14th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the Alderman and will be rescheduled at the next available hearing.	
55	25668 Special Use	Marlene's Touch of Class, Prospective Buyer Request to occupy the premises as a second-hand store.	2929 S. 13th St. 14th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the Alderman and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
56	25617 Use Variance	Michael Patrick, Lessee Request to continue occupying the northeast portion of the premises as a motor vehicle repair facility.	2934 S. 9th St. 14th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of the Alderman and will be rescheduled at the next available hearing.	
56a	23322 Special Use	Wisconsin Correctional Service Stephen B. Swigart, Exec. Director; Lessee Request to occupy 20,000 sq. ft. of the premises as a health clinic.	3716 W. Wisconsin Av. A/K/A 3716-32 W. Wisconsin Av. 16th Dist.
	Action:	Granted 3 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	5 Ayes, 0 Nays, 0 Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. This special use permit is issued in compliance with the order of Judge Lynn S. Adelman of March 16, 2004, and said permit shall expire automatically upon the issuance of any stay or upon final reversal on appeal of the decision of Judge Lynn S. Adelman of March 16, 2004; said permit shall also be revoked in the event that the City obtains a stay of enforcement of the pertinent portion of aforementioned order of Judge Adelman.</p> <p>4. That the petitioner take all measures necessary to control litter, loitering and loud noise on the premises, including, but not limited to, hiring private personnel if need be.</p> <p>5. That this Special Use is granted for a period of three (3) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
57	25066 Special Use	First Payday Loan of Wisconsin, LLC d/b/a First Payday Loan; Lessee Request to occupy the premises as a payday loan agency.	5570 N. 76th St. A/K/A 5574-76 N. 76th St. 2nd Dist.
	Action:	Denied	
	Motion:	Henry Szymanski moved to deny the appeal. Seconded by Georgia Cameron.	
	Vote:	3 Ayes, 0 Nays, 2 Abstained.	
58	25632 Special Use	Calvin Coleman, Lessee Request to occupy a portion of the premises as a detailing and hand car wash facility.	3716 W. North Av. A/K/A 3714-22 W. North Ave. 15th Dist.
	Action:	Granted 2 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Georgia Cameron.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage plans which meet the sign standards of s. 295-605 of the Milwaukee Zoning Code must be submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits. 5. That no disabled or unlicensed vehicles or parts are stored outside. 6. That all car wash activity is conducted inside of the building. 7. That all wastewater is contained on site. 8. That the petitioner take all measures necessary to control litter, loitering and loud noise on the premises, including, but not limited to, hiring private personnel. 9. That this Special Use is granted for a period of two (2) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
59	25638 Special Use	Maurice Lawrence, Prospective Buyer Request to occupy the premises as a social service facility.	2121 W. North Av. 15th Dist.
	Action:	Adjourned	
	Motion:	Henry Szymanski moved to adjourn the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
60	25537 Dimensional Variance	Milwaukee Habitat for Humanity Prospective Buyer Request to construct a single family residential dwelling on the premises without the required house width.	1323 N. 37 Pl. A/K/A 1321-23 N. 37th pl 15th Dist.
	Action:	Granted	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Georgia Cameron.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	
61	25504 Special Use	Christina Mitchell, Property Owner Request to occupy the premise as a 24 hr. day care center for 50 children infant to 12 yrs of age Monday-Sunday and an adult day care center for 20 persons Monday-Sunday 8:00 a.m. - 6:00 p.m.	3511-17 W. Lisbon Av. 15th Dist.
	Action:	Adjourned	
	Motion:	Scott Winkler moved to adjourn the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
62	25611 Special Use	Daphanie Battles & Tyron Cooper Property Owner Request to occupy the premises as a group foster home for 5 girls 12 yrs - 18 yrs of age.	4229 N. 74th St. 2nd Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the Alderman and will be rescheduled at the next available hearing.	
63	25257 Special Use	Sherry L. Walton, Property Owner Request to occupy the premises as an adult family home for 4 residents.	3205 N. 76th St. 5th Dist.
	Action:	Granted 1 yrs.	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That a fence be erected between this and the abutting property. 5. That this adult family home is limited to only elderly clients. 6. That this Special Use is granted for a period of one (1) year, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
64	25440 Special Use	Ark of Safety Day Care, Property Owner Request to continue occupying the premises as a 24 hr. day care center for 76 children 1st & 2nd shift and 25 children for 3rd shift infant to 12 yrs. of age Monday-Sunday.	8057 W. Appleton Av. 5th Dist.
	Action:	Granted 3 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That all previous conditions of the Board regarding this property are complied with.</p> <p>5. That signage must meet the signage standards of s.295-407 of the Milwaukee Zoning Code.</p> <p>6. That the play area is not utilized after 8 p.m. or before 9 a.m.</p> <p>7. That the premises is limited to 75 children on 1st and 2nd shift, and no more than 25 children on 3rd shift.</p> <p>8. That this Special Use is granted for a period of three (3) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
65	25532 Special Use	Andrea Lynn Hopgood, Lessee Request to occupy the premises as a day care center for 30-40 children, infant to 12 yrs of age, Monday-Friday 7:00 a.m. - 6:00 p.m.	8320 W. Lisbon Av. 5th Dist.
	Action:	Granted 3 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Georgia Cameron.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must conform to the sign standards of s. 295-605-5 of the Milwaukee Zoning Code. Specifically, wall signage must be limited to a maximum sign area of 25 square feet. 5. That the outdoor play area is separated from the parking area / vehicle operating area by some type of physical barrier such as bollards. 6. That the applicant obtains a certificate of occupancy and complies with all State commercial building code requirements for institutional and educational occupancies. 7. That the petitioner removes banners from the premises and only installs signage in accordance with an approved sign permit. 8. That the site have a maximum of 25 children on site. 9. That an opaque fence is erected on the premises. 10. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
66	25499 Special Use	<p>Janice Schmitt, Lessee</p> <p>Request to occupy the premises as a day care center for 40 children , infant to 10 yrs. of age, operating Monday - Friday 6:30 a.m. - 5:30 p.m. (this will be the second day care on site, the other has 16 children and will closing in June of this year).</p>	<p>4240 N. 78th St. 5th Dist.</p>
	Action:	Granted 5 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Georgia Cameron.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the applicant obtains a certificate of occupancy and complies with all State commercial code requirements for institutional and educational occupancies.</p> <p>5. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.</p>	
67	25615 Special Use	<p>Kiana Williams, Property Owner</p> <p>Request to occupy the premises as a group home for 8 youth boys 12 yrs - 17 yrs of age.</p>	<p>3543 N. 10th St. A/K/A 3543-45 N. 10th St. 6th Dist.</p>
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the Alderman and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
68	25664 Special Use	Ignacio Rocha/Carlos Gonzalez, Lessee Request to continue occupying the premises as a car wash with the addition of car sales.	1801 W. Forest Home Av. 8th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the Alderman and will be rescheduled at the next available hearing.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
69	25551 Dimensional Variance	Craig R. Lockwood, Property Owner Request to allow a 7 ft fence (6ft. w/ 1ft. lattice) on the premises.	2057 S. 30th St. 8th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	
70	25642 Dimensional Variance	Russ Darrow Colonial Inc. d/b/a Russ Darrow Nissan; Lessee Request to install a free standing sign that is over the maximum height and display area on the premises of the existing motor vehicle sales facility.	9201 W. Brown Deer Rd. 9th Dist.
	Action:	Denied	
	Motion:	Scott Winkler moved to deny the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
71	25352 Special Use	John Andrews, Milwaukee Front Row Restaurant Joint Venture, LLC; Lessee Request to construct a sign on the premises that is not attached to a flat opaque wall surface (on top of glass).	201 S. 46th St. A/K/A Miller Park, 301 S. 44th St. 10th Dist.
	Action:	Adjourned	
	Motion:	Henry Szymanski moved to adjourn the appeal. Seconded by Roy Nabors.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
72	25535 Special Use	Rigoberto Arteago, Prospective Buyer Request to occupy the premises as a motor vehicle sales, repair, and vehicle detailing / car wash.	4902 W. State St. 10th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Georgia Cameron.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner has no outdoor storage of auto part, tires, nuisance vehicles or other junk and debris. 5. That the petitioner has no display of exterior banners or other advertising except signs that are approved by permit and on the site plan. 6. That signage must meet the signage standards of s.295-805 of the Milwaukee Zoning Code. 7. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code. 8. That all repair work is conducted inside of the building. 9. That all car wash activity is conducted inside of the building. 10. That all wastewater is contained on site. 11. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
73	25543 Special Use	Stephanie Hampton, Property Owner Request to occupy the premises as an adult family home for 4 female adults with physical & developmentally disabled, advanced age, or diagnosed with dementia/Alzheimer's.	3605 N. 60th St. 10th Dist.
	Action:	Granted 1 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Special Use is granted for a period of one (1) year, commencing with the date hereof.	
74	25565 Special Use	Border Patrol WI, Rich Lepping;Property Owner Request to continue occupying the premises as a fast-food/carry-out restaurant with a drive through facility.	5630 W. North Av. A/K/A 5612-30 W. North Ave. 10th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the Alderman and will be rescheduled at the next available hearing.	
75	25398 Dimensional Variance	Robert Paul Leuck, Property Owner Request to convert a single-family dwelling into a two-family residential dwelling.	532 N. 54th St. 10th Dist.
	Action:	Denied	
	Motion:	Roy Nabors moved to deny the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
76	25336 Use Variance	FTH Properties LTD Fred T. Holfstede;Property Owner Request to construct a contractor's shop addition to the existing real estate sales facility (without the required glazing).	6642-44 W. Lisbon Av. 10th Dist.
	Action:	Adjourned	
	Motion:	Henry Szymanski moved to adjourn the appeal. Seconded by Georgia Cameron.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
77	25553 Use Variance	Arturo Hernandez, Property Owner Request to construct a driveway to allow parking on the side setback of the premises.	829 S. 11th St. 12th Dist.
	Action:	Granted	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That the applicant obtain all necessary permits to construct a retaining wall on site. 5. That this Variance is granted to run with the land.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
78	25636 Special Use	Riaz Mian, Mian's Oil Corp, Inc.;Property Owner Request to raze the existing structure and construct a motor vehicle filling station, convenience store, and fast-food/carry-out restaurant.	1418 S. Muskego Av. A/K/A 1421 S Cesar E. Chavez 12th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That a revised site plans, which include the structural elements and landscaping and screening plans for the corner of West Greenfield Avenue and South Muskego Avenue must be submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits. 5. That signage plans must be submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits. 6. That site illumination plans which meet the requirements of s.295-409 of the Milwaukee Zoning Code must be submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits. 7. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private security personnel if necessary. 8. That individually sold cigars, cigarette wrapping paper, Black and Mild cigars, Blunt cigars, glass tubes (i.e. type associated with individually sold flowers) and any other items deemed to be drug paraphernalia, not be sold on the premises. 9. That the northerly driveway on S. Cesar Chavez Drive be narrowed to a maximum of 30-feet in width. 10. That the applicant does not have outdoor storage or display of products or merchandise. 11. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 12. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
79	25373 Dimensional Variance	James J. Valona Property Owner Request to modify the previous Board approved plans to construct a covered porch on the premises.	323 W. Walker St. 12th Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That the petitioner builds according to the plans submitted to the Board of Zoning Appeals on March 11, 2004. 5. That this Variance is granted to run with the land.	
80	25544 Special Use	Tim O'Connell/ John Poblocki, Lessee Request to occupy the premises as an outdoor storage facility (crushed stone).	2000 S. 4th . 12th Dist.
	Action:	Adjourned	
	Motion:	Scott Winkler moved to adjourn the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
81	25555 Special Use	Earl & Judy Barwick, Lessee Request to occupy the premises as a second-hand store. Action: Granted 3 yrs. Motion: Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained. Conditions of Approval: 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That there is no outdoor display of products or merchandise. 5. That this Special Use is granted for a period of three (3) years, commencing with the date hereof.	4177 S. Howell Av. 13th Dist.
82	25566 Special Use	Jose A. Brucelis, Lessee Request to occupy the premises as a second-hand store(furniture). Action: Adjourned Motion: Scott Winkler moved to adjourn the appeal. Seconded by Donald Jackson. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.	1724-26 W. Lincoln Av. 13th Dist.
83	25441 Special Use	Gracie Vinson, Lessee Request to occupy the premises as a day care center for 45 children infant to 12 yrs. of age, Monday-Saturday 7:00 a.m. - Midnight. Action: Adjourned Motion: Scott Winkler moved to adjourn the appeal. Seconded by Donald Jackson. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.	3821 S. Howell Av. 13th Dist.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
84	25279 Special Use	Edward G. & Mary T. Ennis Request to continue occupying the premises as a motor vehicle sales and repair facility.	5150 S. 27th St. 13th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner take all measures necessary to control litter, loitering and loud noise on the premises, including, but not limited to, hiring private personnel. 5. That no disabled or unlicensed vehicles or parts are stored outside. 6. That existing landscaping and screening is maintained in a manner that meets the intent of city code. 7. That site illumination must be controlled to prevent glare onto adjacent streets and properties. 8. That there is no outdoor storage of auto part, tires, nuisance vehicles or other junk and debris. 9. That there is no display of exterior banners or other advertising except signs that are approved by permit and on the site plan. 10. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
85	25260 Appeal of an Order	James Letizia DBA Diamond Jim's, Auto Sales; Lessee Request to appeal the order of the Department of Neighborhood Services determination that the non-conforming Special use was enlarged without Board approval.	5848 S. 27 St. 13th Dist.
	Action:	Denied	
	Motion:	Roy Nabors moved to uphold the order. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item</u> <u>No.</u>	<u>Case No./</u> <u>Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
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Other Business:

Board member Winkler moved to approve the minutes of the March 18, 2004 meeting. Seconded by Board member Szymanski. Unanimously approved.

The Board set the next meeting for May 20, 2004

Board member Nabors moved to adjourn the meeting at 4:45 p.m. Seconded by Board member Jackson Unanimously approved.

BOARD OF ZONING APPEALS

Secretary of the Board